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8 Attorneys for Defendant State of California  
9

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12

13 **MICHAEL DUNN,**

14 Plaintiff,

15 v.

16 **STATE OF CALIFORNIA,**

17 Defendant.  
18  
19

Case No: 3:07-CV-04267 EMC

**SUPPLEMENTAL REPLY TO  
PLAINTIFF'S SUPPLEMENTAL  
OPPOSITION TO DEFENDANT  
STATE OF CALIFORNIA'S MOTION  
TO DISMISS**

Date: November 21, 2007  
Time: 10:30 a.m.  
Courtroom: C - 15th Floor  
Judge: The Honorable  
Edward M. Chen

20 Defendant State of California ("State") submits this supplemental reply to its Motion to  
21 Dismiss as requested by the Court at the hearing on November 21, 2007. At that hearing, the  
22 Court invited plaintiff Michael Dunn ("Dunn") to submit a supplemental opposition that  
23 provided support for his claim against the State; specifically, that California Health and Safety  
24 Code section 11594 provides the State with authority to stop and search Dunn's vehicle without  
25 probable cause. The Court provided Dunn two weeks to file further support.

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**DEF'S SUPP REPLY TO PLTF'S SUPP OPPOSITION  
TO DEF'S MOTION TO DISMISS**

3:07-CV-04267 EMC

1 As of the writing of this supplemental reply, Dunn has not filed anything with the  
2 Court. Dunn did, however, mail a blank copy of a document titled Notice of Narcotic Offender  
3 Registration Requirement - 11590 H & S, with an image of a Registration Receipt dated  
4 November 29, 2007. (Attached as Exhibit A.) It is unclear if Dunn intended to file this  
5 document with the Court and/or whether he believes that it supports his claim against the State.  
6 Nevertheless, a review of this document reveals nothing which would support his claim that  
7 California Health and Safety Code section 11594 provides the State with authority to stop and  
8 search his vehicle without probable cause.

9 Therefore, for all of the reasons set forth in its Motion to Dismiss, the State  
10 respectfully requests that the Court dismiss Dunn's entire Complaint without leave to amend.

11 Dated: December 12, 2007

12 Respectfully submitted,

13 EDMUND G. BROWN JR.  
Attorney General of the State of California

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Supervising Deputy Attorney General

16 /S/ Jack Woodside

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18 JACK WOODSIDE  
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20 Attorneys for Defendant State of California

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## **EXHIBIT A**

**DEF'S SUPP REPLY TO PLTF'S SUPP OPPOSITION  
TO DEF'S MOTION TO DISMISS**

3:07-CV-04267 EMC

State of California  
 NOTICE OF NARCOTIC OFFENDER REGISTRATION REQUIREMENT – 11590 H & S  
 FORM SS-8048 (Rev. 1/04)

Department of Justice

Sex Offender Tracking Program  
 P.O. Box 903387, Sacramento, CA 94203-3870

# NOTICE OF NARCOTIC OFFENDER REGISTRATION REQUIREMENT – 11590 H & S

Please type or print required information

(This is not the Registration form)

PERSONAL HISTORY INFORMATION	FULL NAME OF PERSON NOTIFIED Last First Middle									
	DATE OF BIRTH	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	SOCIAL SECURITY NUMBER		
	DRIVER'S LICENSE NUMBER		CII NUMBER (SID)			FBI NUMBER		INSTITUTION NUMBER		
CONVICTION INFORMATION	ARRESTING AGENCY		DATE OF ARREST		PROSECUTING AGENCY		PROSECUTING AGENCY & CASE NUMBER			
	REGISTRABLE CONVICTION		MISD	FEL	DATE OF CONVICTION		DATE OF SCHEDULED DISCHARGE OR RELEASE		DATE PAROLE OR PROBATION EXPIRES	
RELEASE INFORMATION	ADDRESS WHERE PERSON NOTIFIED EXPECTS TO RESIDE UPON DISCHARGE, PAROLE, OR RELEASE (Full street address, city, and zip code)									
	NAME OF AGENCY SUPERVISING PAROLE OR PROBATION					NAME OF SUPERVISING PAROLE OR PROBATION OFFICER				
	U.S. Probation Office, Northern District of California					ADDRESS				
NOTIFICATION STATEMENT	NARCOTICS OFFENDER NOTIFICATION (11590 H & S)									
	I have been notified of my duty to register as a convicted narcotics offender pursuant to section 11590 of the California Health and Safety Code. I understand that:									
	<ul style="list-style-type: none"> <li>My responsibility to register as a narcotics offender shall terminate 5 years after my discharge from prison, release from jail, or expiration of parole or probation.</li> <li>I must register within 30 days of coming into any county or city, or city and county in which I am located or reside with the law enforcement agency having jurisdiction over my location or place of residence.</li> <li>I must, upon changing my location or place of residence, inform in writing within 10 days the law enforcement agency with which I last registered.</li> <li>If convicted in any other state court or any federal court, I am required to register under the provisions above.</li> </ul>									
	SIGNATURE OF PERSON NOTIFIED					DATE				
STATEMENT OF NOTIFYING OFFICER	NOTIFYING AGENCY					ADDRESS				
	TELEPHONE NUMBER									
	I certify that I notified the individual described above of his or her duty to register under provisions of the applicable statute.									
	SIGNATURE OF NOTIFYING OFFICER					DATE OF NOTIFICATION				
NAME AND TITLE OF NOTIFYING OFFICER (PLEASE TYPE OR PRINT)										

DISTRIBUTION: Original to DOJ; Copy to Law Enforcement Agency having jurisdiction over address; Copy to Notifying Officer; Copy to Person Notified (registrant); Copy to Prosecuting Agency

## STATE OF CALIFORNIA REGISTRATION RECEIPT

☐ Penal Code Section 290☐ Penal Code Section 457.1☒ Health and Safety Code Section 11590

CII Number M04889809

OLN N2116738

Name of Registrant

DUNN, MICHAEL ALLEN

Residence Address

SPY ROCK RD. CARMA RD. LAYTONVILLE 95454  
 MENDOCINO COUNTY SHERIFF'S OFFICE

Name of Registering Agency

Date of Annual Update

NONE

Date of Registration

11/29/2007

Signature of Registering Officer/Badge Number

Signature of Registrant

OSP 05 90162

PROBLEMS:

1. I HAVE STATE MARIJUANA PHYSICIANS PRESCRIPTION AND CAN HAVE UP TO 2# SO STATE DOES NOT AUTOMATICALLY HAVE RIGHT TO MAKE ME REGISTER UNDER 11590 H & S WHERE ACTIVITY WAS LEGAL UNDER STATE LAW.
2. I WAS NOT UNDER PROBATION AND OUT OF PRISON MAR 2000 SO I SHOULD NOT BE REGISTERED NOW.

← NOTE 11/02 FORM CHANGED NO LONGER PROVIDING FOR SEARCH AT ANY TIME



84-0012 (Rev. 11/02)